IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 19293 of 2001

Between:

D.K. Kailashnath s/o. late Rangaiah,

H.No.5-685/3, Bhavani Nagar Colony, Old Alwal,
Secunderabad 500010.

..... PETITIONER

AND

The Director/ Principal, National Institute of

Small Industries Extension Training,

Yousufguda, Hyderabad- 500045.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondent here in not furnish the particulars of death benefits such as Gratuity, CPF, CGEIS etc., of late D.K.Vishwanath Rao, Sub- Editor to the petitioner as illegal, and arbitrary.

Counsel for the Petitioner: MR.N.ASHOKUMAR

Counsel for the Respondent: MR.D.V.SITARAMAMURTHY

The Court made the following :

ORAL ORDER:

The grievance of the petitioner is that the respondent has not furnished particulars of the death benefits such as gratuity, C.P.F., C.G.E.S, etc. of his late brother, D.K.Viswanath Rao, Sub-Editor, who died on 22.5.1989.

It is stated that the petitioner is entitled to get the death benefits of his brother, as there are no other legal heirs. The only prayer of the petitioner is to direct the respondent to furnish the particulars of the death benefits.

The respondent has filed counter affidavit stating the late D.K.Viswanath Rao is entitled to the following amounts only and not entitled to encashment of leave and L.I.C.:

a) DCRG Rs.19,680/-

Less: Legitimate deductions

Refundable by the deceased

Employee from the said amount

b) E.P.F. Rs.55,081/-

The learned counsel appearing for the respondent has submitted that the prayer of the petitioner is only to furnish the particulars of the death benefits of his late brother D.K.Vishwanath Rao.

In view of the aforementioned particulars of the death benefits, no orders need to be passed and the writ petition is accordingly closed with a liberty to the petitioner to approach a competent civil Court or any other appropriate forum for claiming the death benefits. No order as to costs.

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(V.ESWARAIAH, J.)

1st October, 2004

bcj

To

1 The Director/ Principal, National Institute of Small Industries Extension Training, Yousufguda, Hyderabad- 500045.

2 Two C.D. copies